

MESSAGE NO: 9160201 MESSAGE DATE: 06/09/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2007 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING: HAND TRUCKS & PARTS THEREOF - CHINA (A-570-891) E&B
GIFTWARE'S SAMSONITE COMPACT LUGGAGE CART IS NOT WITHIN THE SCOPE.
LIFTING OF SUSP. MSG DATE

MESSAGE NO: 9160201

DATE: 06 09 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 891

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PERIOD COVERED: 12 01 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING: HAND TRUCKS & PARTS THEREOF - CHINA
(A-570-891) E&B GIFTWARE'S SAMSONITE COMPACT LUGGAGE
CART IS NOT WITHIN THE SCOPE. LIFTING OF SUSP. MSG DATE

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM E&B GIFTWARE, LLC (E&B GIFTWARE). COMMERCE ISSUED A FINAL SCOPE RULING ON 06/03/2009, THAT THE SAMSONITE COMPACT LUGGAGE CART IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PRC (A-570-891).

2. COMMERCE DETERMINED THAT THE SAMSONITE COMPACT LUGGAGE CART DOES NOT MEET THE DEFINITION OF A HANDTRUCK FOR PURPOSES OF THE ORDER BECAUSE THE HORIZONTAL PROJECTING EDGE AT THE LOWER SECTION OF THE VERTICAL FRAME IS SUSCEPTIBLE TO COLLAPSE WHEN SLIDING UNDER A LOAD, THEREBY COMPROMISING THE INTEGRITY OF ITS HORIZONTAL POSITION. THEREFORE, THE SAMSONITE COMPACT LUGGAGE CART IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HAND TRUCKS AND CERTAIN PARTS THEREOF FROM THE PRC.

3. EFFECTIVE 12/01/2007, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF THE SAMSONITE COMPACT LUGGAGE CART LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE SAMSONITE COMPACT LUGGAGE CART LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE SAMSONITE COMPACT LUGGAGE CART ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/01/2007.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. FOR ALL OTHER SHIPMENTS OF HAND TRUCKS AND CERTAIN PARTS

THEREOF FROM THE PRC NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O7: MB).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE M. FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party